A PLEA
For the Commonalty of LONDON,

OR,

A Vindication of their Rights (which hath been long with-holden from them) in the choice of sundry City Officers.

AS ALSO,

A Justification of the power of the Court Of Common-Councell, in the making of Acts, or By-Laws, for the good and profit of the Citizens, notwithstanding the Negative votes of the Lord Major and Aldermen.

Being fullly proved by severall Charters granted to this City, by sundry Royall Kings of *England*, confirmed by Act of PARLIAMENT, and by Records witnessing the particulars in the practise of them.

In a Speech delivered in Common-councell, on Munday the 24th of *February*, 1644.

By JOHN BELLAMIE.

The second Edition

LONDON,

Printed by *George Miller*, and are to be sold at his House in *Black-Fryers*. 1645.

TO THE RIGHT HONOURABLE

The Lord Major,

AND TO

The Right Worshipfull the ALDERMEN, and the rest of the Common-councell of the City of LONDON.

Right Honourable,
Right Worshipfull,

THat which lately I presented in a Speech unto your eares, I now presume in this little Manuall to put into your hands; It neither then was, nor now is, any conceit I had, or have, of my own abilities (for I know my selfe the unmeetest, because the unablest, of many others,) that put me upon this taske; But that duty and service, which I owe unto

this *Court*, and *Citie* unto all the *Commonalty* of this *City*, made me to adventure my ſelfe (in the preſence of your *Lordſhip*, and the worthy *Aldermen*) to enter the liſts, and to put in this *plea*, for the defence of our *Liberties*, and vindicating of our *rights* and *dues*.

And as ſometimes it falls out in a caſe of danger, when the loſſe of all lies at ſtake, that the forwardneſſe of a young and unexperienced Souldier, who perhaps is alſo more hardie then warie, yet loving his Countries liberty, adventures to begin the onſet, and thereby provokes and ſtirs up Courage in the more grave and able Commanders, to follow on in hope of victory; So if now by my example, I may but encourage ſome of you, who are alſo with me members of this *Counſell* (& which I know are farre more able then my ſelfe) to improve your Parts and Abilities for the Common good, in uſing your beſt endeavours in this *Court*, for the pleading of our *Cauſe*, and thereby the regaining of thoſe *Rights* and *Liberties*, which by the *Charters* of our *City*, doe belong unto us; I ſhall then

then be in good hope, that by the evidence of *Truth* and *Reaſon*, all our *Priviledges* and *Immunities* will be, as freely, ſo alſo lovingly, and conſentingly granted to us; Which is, and ever ſhall be, the earneſt deſire and endeavour of him, who is and ever will be,

Your Lordſhips, and this Cities ſervant,

for the publike welfare of it,

Iohn Bellamie.

The Proeme.

ON the 16th of January *last*, *I made an humble Motion in the* Common-councell *to the* Lord Major *and* Aldermen, *that one speciall meanes which I had oft observed to obstruct the good proceedings of that Court, might be removed,* viz. *His* Lordships *causing the Sword to be taken up, and then going away, and so dissolving the* Court, *without the consent, yea against the desires of the Major part. The remedy I proposed for the redresse of this grievance, was this, that by the power of this* Councell, *there might be a Law established, that the* Court *might not at any time be dissolved, or adjourned, without the consent of the Major part both of* Aldermen *and* Commons *in* Common-cunsell *assembled; The ground upon which I tooke the humble boldnesse to make that so necessary a motion, was from the example of that never too much to be admired wisdome and prudence of those* Noble Peeres *and* Sages *of this Kingdome, the* Lords *and* Commons *now assembled in this present* PARLIAMENT, *who seeing the sad effects (almost to the ruine of this Nation) that fell out by reason of the sudden breaking up of* Parliaments, *did thereupon addresse themselves,*

with

With one consent unto his Majesty, *that he would be pleased to passe an Act, that this* Parliament *might not be dissolved, prorogued or adjourned, without the consent of both Houses of* Parliament, *first had and obtained thereunto: As I could not in my judgement find out a fairer Copie to write after in this my motion, for the* Cities *safety, then that unparaleld practise of those* Lords *and* Commons *for the Kingdomes security: so neither could I present a better patterne then our* Royall Soveraigne, *in all his actions, since the* diadem *of this* Kingdome *adorned his* Kingly head, *could I find out one, which in after ages will bespeake him more truly* Royall, *then this his so readily granting that their so just a desire; I also upon the* 24 *of* January, *prosecuted this my motion with some pressive arguments, hoping thereby to prevaile; and they were such as I found made ready to my hand, by the most solidst and ablest judgements that this Nation hath, viz. the arguments which the* Lords *and* Commons *in* Parliament, *laid down before his* Majesty (*and which wrought his* Royall consent) *you may find them in the preface before the Act for the continuance of this present* Parliament, *all that was mine therein, was only the paralelling of the Condition of the* Kingdome, *for which they were made, with the condition of the* City, *to which I brought them, and applied them to the present case in hand; and let us but change the tearmes of the* Kingdome *into* City, *and* Parliament, *into* Common-councell,

cell (*which is as it were a* City-Parliament) *and then they will almost in every thing, as fully agree with our condition, as with the condition of the* Kingdome *for which they were framed; the particulars I principally insisted upon were these three;* 1. *The raising of monies for the* {Kingdoms / Cities} *occasions,* 2. *The repayment of those monies so raised by the* {Parliament. / Common-councell.} 3. *The redresse of the publike grievances of the* {Kingdom. / City.} *Now as the* Parliament *could not, so the* Common-councell, *cannot so fully with power and credit, either raise, or pay such monies as they shall have occasion to use for the service of the* {Kingdom. / City.} *nor remove the publike grievances of the* {Kingdom. / City.} *without the power of continuing together, and of not being dissolved, till they have fully effected that which in these or any the like particulars shall come under their debate or consideration, but seeing that neither so faire a president, nor so forceable arguments could then prevaile as was desired, I thereupon endeavoured; First, by the* Charters *of our* City, *Secondly, by Records witnessing our power in the practice of it; and thirdly, by equity and reason, to prove our Rights and dues, as in this following* Plea, *I have laid them down, and therein have made our claime.*

A Plea for the Commonalty of LONDON.

OR,

A Speech delivered in Common-Councell, on Munday the 24th. of *February*, 1644.

My Lord,

MAfter *Recorder* having fully and faithfully reported the truth, in ſhewing the little ſucceſſe, or good, that after three dayes debate hath beene done, in that Committee, which was appointed to ſtate the queſtion in controverſie, between the *Aldermen and Commoners*, Members of this Court of *Common-councell*, and I being by this Court added to that Committee, thought it therfore my duty (according to the beſt of my abilities) to give an accompt to this Court, whom it chiefely concernes, how in my judgement I conceive the right and truth therein doth

doth ſtand; and for methods ſake, I ſhall deliver, what in this I have to ſpeake, under theſe three heads.

Firſt, *That this City (by thoſe favours and bounties, which we and our predeceſſours have received from ſundry Royall Kings of England) is now inveſted with many excellent immunities, franchiſes and priviledges.*

Secondly, *Who are the proper recipients of thoſe favours, or to whom the power of uſing and maintaining thoſe favours and priviledges granted to us by our Royall Kings of England, is committed.*

Thirdly, *The reaſons or arguments, wherfore thoſe perſons unto whom this power is committed, ſhould carefully and conſcionably maintain and uſe thoſe priviledges, with which they are entruſted.*

For the proofe of the firſt, I have a large and a pleaſant field to walk in; and truly I want both time to recount them all, they are ſo many; and words to ſet forth the worth of them, they are ſo excellent.

When I throughly view them, I know not well whether I ſhould more magnifie the grace and favour of thoſe *Royall Princes*, in giving us ſo many priviledges, or admire our own happineſſe in the enjoyment of them.

But I muſt only doe in theſe, as men uſually doe in a curious Garden, pluck here a flower

and

and there an herb, which are most pleasing to their sences, and most usefull for their service; and when I have done the best I can, I must leave many behind me, for want of time and skill to collect and improve them for the common good: But my hope and desire is, that some more able and skilfull hand, will shortly set them forth in their use and lustre, before *your Lordship* and this *Court*.

I can no way cast my eye, but it beholds many witnesses of this truth; for that we are here, at this time in the capacity of a *City counsell*, to consult upon, debate about, and determine of, such things which doe or may concerne the common good, this pleades, this proves our priviledge: That Emblem of Authority, which ere while was borne before *your Lordship*, and now presents it selfe within your view, is another argument to prove your power, and in it the power of this *City*, whose head (under *his Majesty*) your *Lordship* is.

Very much hath been anciently written by many Authors, in the praise and commendation of *London*, but it hath been lately, as truly, so fully summed up together, by that learned Lawyer Sr *Edward Cook*, sometime *Recorder of London*, and after *Lord Chiefe Justice of England*, in his *fourth part of Institutes*, p. 247. In these three expressions; 1. *Camera Regis*. 2. *Rei-Publicæ Cor*. 3. *Totius Regni Epitome*.

Epitome. The Chamber of the King, the heart of the Common-wealth, the Epitome of the whole Kingdome.

But, *my Lord*, I muſt come to the proofe of theſe proofes, for it is not ſufficient to ſhew that we are thus, and that your *Lordſhip* is poſſeſt of ſuch a power, for this and more then this may be by uſurpation, and without warrant; But that which is my part to prove, is, That your *Lordſhip* and this *City*, is inveſted with a juſt and a full power thus to be, and thus to doe, and that by the free and cleare grants of ſundry *royall Kings of England*, manifeſted in their ſeverall and reſpective *Charters*, which by their grace and favour they have granted to us.

Thoſe pleaſant flowers and uſefull herbs, which I ſhall now endeavour to preſent you with, are ſuch as will chiefely make a flouriſhing and a populous City to be truly happy. They are theſe two:

Firſt, To have the power to chooſe our own chiefe Governour, and ſubordinate Officers amongſt our ſelves.

Secondly, To have alſo the power to make ſuch Laws, which are or ſhall be for our own welfare, and beſt accommodation.

London was anciently governed, both before the conqueſt, in the time of the conqueſt, and for about 120 yeares after the conqueſt, which

which was, untill the first yeare of *Richard the first*, by *Port-graves*, or *Port-Greeves*: *Richard the first*, appointed the first *Major of London*, which continued for about 24 yeares, untill the 14th yeare of *King John*; And *King John* was the first *King of England*, that gave us the power to choose our *chief Governour*, viz. the *Major* amongst our selves, as the words of the *Charter* in the 16 yeare of his raigne, makes it plaine. The words are these.

Know ye that We have granted to our Barons of our City of London, that they may choose unto themselves a Major of themselves.

And that *Charter* of *Henry the third*, in the 37 yeare of his raigne, gives us the like power, in these words;

We grant also unto the said Citizens, that they may yearely present to our Barons of the Exchequer, We or our Heires not being at Westminster, every Major which they shall choose in the City of London, to the end they may be by them admitted, as Major.

And that *Charter* of *Edward the second*, in the 12th of his raigne, confirmeth to us the same power of choosing the *Major*, with this addition also, of choosing *both the Sheriffs*. I say, of choosing not only one, but *both the Sheriffs*, and that in these words;

That the Major and Sheriffs of the City aforesaid, may be chosen by the Citizens of the same

ſame City, according to the tenour of the Charters of our Progenitors, ſometimes Kings of England, to that end made; Et nullo alio modo.

Which *Charter*, hath reference to the *Charter* of *King John*, in the firſt yeare of his raigne, in theſe words;

And further, We have granted to the Citizens of London, that they may make of themſelves, Sheriffs, whomſoever they will, and may remove them, when they will.

And the ſame *Charter* of *Edward the ſecond*, gives us (*viz.* the *Commonalty*) the power of chooſing the *Chamberlaine, Common Clarke and common Serjeant*, in theſe words;

And that the Chamberlain, Common Clarke and Common Serjeant of the City afore-ſaid, be choſen by the Commonalty of the ſame City, and amoved at the pleaſure of the ſame Commonalty.

The ſame *Charter*, gives the choice of the *Maſters of the Way-houſe*, to the *Commonalty*, in theſe words;

And that the Weights and Beames for weighing of Merchandizes betwixt Merchant and Merchant, whereof the iſſues growing, and the knowledge of them, pertaine to the Commonalty of the City afore-ſaid, remaine to be kept at the will of the ſame Commonalty, in the cuſtody of two good and ſufficient men of the ſame City, expert in that office, to be hereunto choſen by the Commonalty afore-ſaid; and that they be not in

any

any otherwise committed to any others, but to such as shall be so chosen.

And in the 22th of *Henry the eighth*, this is granted to the *Major, Commonalty and Citizens of London conjunctim.*

I might tire out my selfe, and weare out your patience, if I should reade all the severall *Charters*, which gives the *choice* of many other *City Officers* unto the *Commonalty*, as the *Serjeants of the Chamber*, the *Offices of Packing, Garbling of Spices, Gaugers and Measurers*, with many others, but I will at present forbeare, and goe on to the next, which is this:

That this City is invested with power, to make such Lawes, which are, or shall be for our own welfare and best accommodation.

That *Charter* of *Edw.* 3. in the 15th yeare of his raigne, fully cleeres it in these words,

We have granted further, for Us and our Heires, and by this our present Charter confirmed to the Major and Aldermen of the City aforesaid; That if any customes in the said City, hitherto obtained and used, be in any part difficult or defective, or any thing in the same newly happening, where before there was no remedy ordained, and have need of amending; the same Major and Aldermen and their Successors, with the assent of the Commonalty of the same City, may adde and ordaine a Remedy, meet, faithfull and consonant to

reason, for the common profit of the Citizens of the same City, as oft, and at such time, as to them shall be thought expedient.

When I seriously consider, what *Priviledges* by these *Charters* we are invested with, I know not well what further in this kind, could be desired to make us *a happy people*, were we not wanting in our selves towards our own happinesse. I have now done with the first, which I think makes fully good the thing proposed, *viz. That this City (by those favours and bounties which We and our Predecessours have received from sundry Royall Kings of England) is now invested with many excellent Immunities, Franchises and Priviledges*; and I pray God give us grace, wisely and humbly to make a right use of them.

The second thing I proposed to speake to, was this, *viz. Who are the proper Recipients of those Priviledges, or to whom the power of using and maintaining those Priviledges and favours, granted to us by our Royall Kings of England, is committed?*

I have only in this, these two things to speake to;

First, To shew to whom these *Priviledges* have been *granted*.

Secondly, To prove by whom *these Priviledges* have been *practised*.

These two things being once well cleared, will

will fully prove the thing propoſed.

For the firſt take a ſurvey of all the *Charters* which have been granted to this *City*, ſince the date of that grant of *King John* to this day, which are very many, and they all runne thus, or to this effect.

To the Major, Aldermen and Commonalty of the City of London, or to the Major and Commonalty of our City of London. And here I cannot but remind you of thoſe *Charters* of *Edward the third*, in the 15th yeare of his raigne, where the *Major and Aldermen*, with the aſſent of the *Commonalty*, have the *power*, as to *explaine*, ſo to *amend* the old, or to *make new Lawes*, for the common profit of the *Citizens*. And of that of *King John*, in the firſt yeare of his raigne, and of *Edward the ſecond*, and in the 12th yeare of his raigne, where the ſole *power* both to *elect* and to *amove* the *Sheriffes*, the *Chamberlin*, the *Common Clarke*, and the *Common Serjeant*, is wholly left to the *pleaſure* of the *Commonalty*, without any reference to the *Major* and *Aldermen*.

Thus it is cleare, that the *Commonalty* have by the *Charters*, an equall ſhare with the *Major and Aldermen* in the *Priviledges* granted to this City; and if there be any difference, as there is, in the *choice of ſome City Officers*, the advantage is unto the *Commons*.

The ſecond particular in this ſecond head, is this;

By whom these *Priviledges* have been *practised*. I shall endeavour to make this as cleere as the former; For as the *power* in the aforesaid *Charter* of *Edward the third*, doth inable the *Major and Aldermen*, with the assent of the *Commonalty*, to amend the old, or to make new *Lawes*, so suitable thereunto are all our *Acts of Common-councell*, which are our *City Lawes*; they are made as in the joynt names, so by the joynt power of the *Major, Aldermen, and Commons in Common-councell assembled.*

Give me leave I pray, to instance in a few particulars, which have been done by the power of this Court, since I have had the happinesse to sit as a Scholler in this Schoole.

As upon the 4th of *March*, 1641. The removing of *Deputy Alden* from being a member of this Court.

Upon the 5th of *Septemb.* 1642. The putting away of Mr *John Wild*, from being *Town Clark* of this *City*.

Upon the 18th of *Febr.* 1642. The expelling of *Thomas Wiseman, the City Remembrancer* out of his *Office*.

Upon the 28th of *April*, 1643. The amoving of divers *Aldermens Deputies*, from their places of *Deputy-ship*; And all this by the joynt and *concurrent power* and *authority* of the Ld *Major, Aldermen and Commons* in this *Common-councell* assembled.

And

And that all the *determinative, binding and concluding power* of this *Court*, is in the plurality of the votes of the Lord *Major*, *Aldermen*, *and Commons conjunctim*; And that the *Lord Major and Aldermen*, have in this *Court* no more *power* of a *negative voice*, then as ſingle perſons, which every member of this *Court* hath as fully as they, if their judgements in the debate ſway them to the *negative*; And that the *Aldermen* alone and by themſelves, cannot hold the *negative* againſt the *Commons affirmative*; I prove theſe three wayes.

Firſt by practice, Secondly by argument, Thirdly by equity and juſtice.

Firſt, *I will ſhew by practice that it hath not been ſo.*

Secondly, *I will prove by argument that it cannot be ſo.*

Thirdly, *I will make it appeare, that in equity and juſtice it ought not to be ſo.*

Firſt, That it hath not been ſo, I thus prove by practice.

Upon the 17th of *Febr.* 1641. *A Petition* was brought into this *Court*, directed only to the *Lord Major* and *Aldermen*, and becauſe it was not directed to the *Lord Major*, *Aldermen* and *Commons* in *Common-councell* aſſembled, this *Court* refuſed to take any cognizance of it; But the then *Lord Major*, Sir *Richard Gurney*, with the major part of the

Aldermen then preſent, in that *Common-councell*, would have the *Court* to admit of that *Petition*; and the *Court* refuſing, for the reaſon aforeſaid, the *Lord Major* and *Aldermen* (conceiving, as I ſuppoſe, that they ſhould carry it by plurality of votes) would have the *Court* divided and numbred by the Pole, and ſo it was done; there was for the *Petition*, the *Lord Maior*, 7 *Aldermen*, and 61 *Commoners*; and againſt the *Petition*, 5 *Aldermen*, and 85 *Commoners*, and thus the *members* of this *Court*, both *Aldermen* and *Commoners* being reckoned together by the Pole on both ſides, as *members of this Court*, the *queſtion* was determined, the *Petition* rejected, and the *power* and *authority* of this *Common-councell* maintained.

Secondly, That it cannot be ſo, I thus prove by Argumennt.

That *Court* which hath the power to make a Law, and by that Law to conferre a power upon the *Lord Major* and *Aldermen*, which as *Lord Major* and *Aldermen* they had not before, muſt needs be *quo ad hoc*, as unto the making of a *Law* above the *Lord Major* and *Aldermen*: But this Court of *Common-councell* hath the power to make a *Law*, and by that *Law* to conferre a power upon the *Lord Major* and *Aldermen*, which as *Lord Maior* and *Aldermen* they had not before. Therefore this

Court

Court of *Common-councell*, ſo farre as unto the making of a *Law*, muſt needs be above the Lord *Maior* and *Aldermen*.

That this *Court* hath the power to make a *Law*, and by that *Law* to conferre a power upon the Lord *Maior* and *Aldermen*, which as Lord *Maior* and *Aldermen* they had not before, I prove *de facto*, as appeares by an *Act* of *Common-councell*, made in the 6th of *Henry* the ſeventh, upon the 15th of *April*; by which this *Court* conferred a power upon the Lord *Maior* and *Aldermen*, that at the election of the *Chamberlain*, the Lord *Maior* and *Aldermen* ſhould preſent two men to the *Commonalty*, and the *Commonalty* to chooſe one of them to be *Chamberlain*. And in the ſame Act of *Common-councell*, this *Court* conferred a power upon the Lord *Maior* and *Aldermen*, that at the election of the *Bridg-maſters*, the Lord *Maior* and *Aldermen* ſhould preſent foure men to the *Commonalty*, and the *Commonalty* to chooſe two of them to be *Bridg-maſters*. Which power of preſenting two men for the choice of *Chamberlain*, and foure men for the choice of *Bridg-maſters* by the Lord *Maior* and *Aldermen*, they as Lord *Maior* and *Aldermen* had not before, *Ergò*, The *Court* of *Common-councell quo ad hoc*, as unto the making of a *Law*, muſt needs be above the Lord *Major* and *Aldermen*.

2. Argument.

That Court which hath the power to make a *Law*, and by that *Law* to take from the Lord *Maior* and *Aldermen*, that power which before was by a *Law* conferred upon them as Lord *Maior* and *Aldermen*, must needs be, *quo ad hoc*, as unto the making of a *Law* above the Lord *Maior* and *Aldermen*; But this Court of *Common-councell* hath the power to make a *Law*, and by that *Law* to take from the Lord *Maior* and *Aldermen* that power, which by a *Law* was formerly conferred upon them as Lord *Maior* and *Aldermen*; Therfore this Court of *Common-councell* must needs be *quo ad hoc*, as unto the making of a *Law* above the Lord *Maior* and *Aldermen*.

That this Court of *Common-councell* hath the power to make a *Law*, and by that *Law* to take from the Lord *Maior* and *Aldermen* that power which formerly was by a *Law* confer'd upon them as Lord *Maior* and *Aldermen*. I prove as before *de facto*, as appeares by an Act of *Common-councell*, made the 21th of *June*, 1643. by which this Court repealed the former Act of Common-councell of *Henry* the Seventh, and so took away that power from the Lord *Maior* and *Aldermen*, which before was by that *Law* conferred upon them, as Lord *Maior* and *Aldermen*, and so setled the choice of *Chamberlain* and *Bridge-masters* in *statu*

quo

quo prius; Therefore this Court of *Common-councell*, *quo ad hoc*, as unto the making of a *Law*, muſt needs be above the Lord *Maior* and *Aldermen*.

3. Argument.

If the Court of *Common-councell* ſo farre as unto the making of *Lawes* be above the Lord *Maior* and *Aldermen*, then the Lord *Maior* and *Aldermen* can have no *negative voice*, as Lord *Maior* and *Aldermen*, ſo as to hinder the Court of *Common-councell* from making of a *Law*, but the Court of *Common-councell*, ſo farre as unto the making of *Lawes*, is above the Lord *Maior* and *Aldermen*; therefore the Lord *Maior* and *Aldermen*, as Lord *Maior* and *Aldermen* can have no *negative voice*, ſo as to hinder the Court of *Common-councell* from making of a *Law*.

That the Court of *Common-councell* ſo farre as unto the making of *Lawes*, is above the Lord *Maior* and *Aldermen*, the two former arguments fully prove, therefore the concluſion ſtands firme upon its true foundation, *viz.* That the Lord *Maior* and *Aldermen*, as Lord *Maior* and *Aldermen*, can have no *negative voice*, ſo as to hinder the Court of *Common-councell* from making of a *Law*.

Thirdly, That it ought not to be ſo, I prove by *equity* and *juſtice*. The *Aldermen* are but in number 26. the *Commoners* in this Court about

about 230. in *perſon*, and in *repreſentation* many *thouſands*. Now if there ſhould be a *power* of a *Negative voice*, in 26. ſingle perſons, *Members* of this Court; and they thereby have the *power* to hinder the paſſing of a *Law*, which upon ſerious and ſolemne debate, hath been upon good grounds aſſented unto, and deſired by ſo great a number (and that for the common good and welfare of the *Citizens* of this *City*) every one of which greater number, being as fully intereſſed in the *good* or *evill* that may come by the paſſing or not paſſing of the *Law* in queſtion, as any of the 26. *Aldermen* are; O then how many, and how great advantages may we ſee before us, which being by the paſſing of a *Law* obtained might make us *happie*. And on the other ſide, how many preſſive and unſupportable evils may we ſee ready to ſwallow us up; and for want of power to paſſe a *Law* to prevent them, will make us irrecoverably *miſerable*; and yet we muſt all ſit ſtill and ſigh, with our fingers in our eyes, and mourn and die for the meere will and pleaſure ſake of 26. ſingle perſons, nay of ſeven perſons, for thirteen *Aldermen* make a Court, and ſeven of them being the greater number of thirteen have the power of the *Court*, and ſo the power of a *negative vote*, to hinder the paſſing of an *Act* in *Common-Councell*; If this be granted, into what a remedileſſe way

way of ruine may we fall, as in the case of Sr *Richard Gourney*, in standing out against the just desires, yea commands of *Parliament*.

And thus, I have, I hope fully and clearly proved, both by *Charters* and by *practise*, that the Lord *Major*, *Aldermen* and *Commonalty conjunctim*, and not either alone, as separated or disjunct from the other, are the proper *recipients* of those *grants* and *priviledges*, which our *Royall Kings* have in their bounty and favour invested this *City* with.

Therefore my *Lord*, we honour your *Lordship*, and all those worthy *Senatours* your *Associates*, and we cannot but acknowledge your *Lordship*, to be under his *Majesty*, the *head* of our *City*, yea a *head* of our own choosing; if therefore we should goe about in the least measure to eclipse your *Honour*, or to diminish your just *power*, we should in so doing wound our selves, whose *Head* you are.

But as we give you the honour of a *headship*, O take not from us, I beseech you the right of *Membership*, but acknowledge us as *Members* of your body, though we be (as truly we confesse our selves to be) with reference to your *Lordship*, and the *Aldermen*, but inferiour *Members*; as suppose the *hands* and *feet* of this great body, whereof your *Lordship* is the *head*; yet as in the *Naturall body*, the

soul

ſoule, diffuſeth it ſelfe into all the *Members* of the *body*, to make them fit for action, as into the *feet* to walke, into the *hands* to worke. O ſuffer us, I pray you to doe that, which *God*, which *nature*, and which all *our Royall Kings*, in all their *Charters*, have granted to us, and doth require of us, that is, that in our places we may act our parts; And then you will eaſily ſee, that as in the *Naturall body*, the *head* cannot walke without the *feet*, nor work without the *hands*, nor can your *Lordſhip*, and thoſe worthy *Aldermen*, though the *head* and *chief* of this great *Councell*, yet *act* nothing without the concurrent power of us your *hands* and *feet*, for to aſſiſt you.

The ſoundeſt and beſt of bodies are ſubject to diſeaſes, and thoſe maladies in the moſt noble parts, are ever moſt dangerous; if therefore there breeds an *ulcer*, or *tumour* in the *head*, and cauſe it ſo to ſwell, as it hinders the neceſſary and naturall motion of the reſt of the *Members*, and thereby endangereth the life of all. Oh then, blame not! I beſeech you blame not, the *feet*, if they run forth to ſeek a remedy, nor yet the *hands*, if they apply it; for every *Member*, as it tenders it's owne well-being, ought to ſeeke the welfare of the whole body.

And if the diſtemper be in the *head*, as ſad experience daily proveth, no member of the body can

can then be well at eaſe. But I fore-ſee an *Objection* that may here be made, againſt a part of what I have before ſpoken, which is this.

That the *choice* or *election* of ſome *City-officers*, have been time out of mind in the power of others, and not in the *Commonalty*, as one of the *Shrieves* to be choſen by my Lord *Majors Prerogative*, and the *common Clark* and *common Serjeant* by the *Court* of *Aldermen*.

I ſhall give to this Objection a two-fold anſwer.

Firſt, That which our *Saviour Chriſt* gave to the *Phariſees* in the caſe of divorce, they then pleading (as theſe now) *preſcription* for it, and ſaying, that time out of mind, even ever ſince *Moſes* daies, it had been ſo; True, ſaith our *Lord Chriſt*, *Moſes* for the hardneſſe of their hearts, ſuffered them to give a bill of divorce, and to put away their wives, but from the beginning it was not ſo. The ſame ſay I, 'tis confeſt, that a great while the *choice* of theſe and ſome other *City-officers*, have been ſuffered to run along in theſe Channels of pretended *Prerogative* and unwarranted *cuſtome*, but from the beginning it was not ſo; therefore, as our *Saviour Chriſt* ſaid in that caſe, *What God hath joyned together, let no man put aſunder*; So ſay I in this, what God and what the *Charters* of our *City* hath joyned

ned together, let not man, let not your *Lordships* pretended *Prerogative*, let not *unwarranted custome*, either put or keepe asunder.

The second Answer I give to this Objection is this.

That this *power* hath either been given from the *Commonalty*, by their own consent, or els taken away from them by usurpation: if by usurpation, then it behoves this *Court*, the only representative body of this *City*, to use all good means to regain what hath been so long unjustly taken from them.

But if given away by consent, as I will not deny, but our fore-fathers in their times, might be perswaded upon specious shews and faire pretences, and peradventure in their esteeme upon solid reasons, to make over a part of their power, into the hands of the Lord *Major* and *Aldermen*, who knew better for their own advantage, how to use it, then they to keepe it, yet I hope, if reason and just cause require, the power of this *Councell* may re-assume it againe into the hands of the *Commonalty*, as it did in the like case upon the 21. of *June*, 1643. re-assume the sole power of *chooſing* the *Chamberlaine* and *Bridge-masters* into the hands of the said *Commonaltie*.

I come now to the third and last head I am to

to ſpeake to, *viz.* The reaſons or arguments, wherefore thoſe perſons unto whom this power is committed, ſhould carefully and conſcionably, maintain and uſe thoſe priviledges with which they are entruſted: I will inſiſt only upon two arguments to preſſe this.

Firſt, from that dammage and loſſe, which our Predeceſſours have under-gone for *miſ-uſing* and *non-uſage* of thoſe *Priviledges* and *Immunities*, which by the favour and bounty of former *Princes* have beene beſtowed on them.

Secondly, from that obligation of a ſacred *Oath*, by which we all as free-men of this *City* ſtand bound for to maintain them.

The omiſſion and miſ-uſage of Priviledges, have been exceeding detrimentall to our Predeceſſours, and may be of as dangerous a conſequence unto us; but before I proſecute this Argument, give me leave to acquaint you, how carefull one of the *Kings* of *England* was to preſerve this City from loſſe and danger in this reſpect. I reade that *Edward* the third, in the firſt yeare of his raigne, made proviſion for this *City*, that our *Liberties* ſhould not be ſeized into the hands of the *King*, for any perſonall Treſpaſſe, of any one miniſter of Juſtice in this *City*, but did ordain that ſuch a miniſter of Juſtice ſhould be puniſhed according as the quality of his Treſpaſſe ſhould require.

But

But if the *City* it ſelfe (which is only repreſented in this *Court*) ſhall ſo farre undervalue, or ſlight the grace and favour of our *Royall Princes*, as not to uſe or to miſuſe ſuch Grants and Priviledges, as they are pleaſed in their bounties to inveſt us with, then as this neglect, and non-uſage, or miſ-uſage of our Priviledges, hath made our Predeceſſours to pay deare for it: So we may alſo mourne under the loſſe of it, and ſmart for it: For in the ſame *Edward* the 3. daies, in the 15. year of his raign, it coſt this *City* 1000. *marks*, for not fully uſing thoſe free Cuſtomes and Liberties, which had been formerly granted to them: where obſerve that it is not ſufficient to uſe ſome of our free Cuſtomes and Liberties, but we muſt uſe them all, yea and fully uſe them in that way and manner, as in which they were granted to us by our *Charters*, elſe as then, ſo now, the non-uſage, or miſuſage of them, may occaſion a mulct or fine to be impoſed on us.

For there is no man that is any whit converſant in our *City Charters*, but can eaſily and truly teſtifie, that not once or twice, but 10. if not 20. times, this *City* hath been forced to receive a *pardon* for non-uſage, and miſ-uſage of their priviledges, and for *City-officers* to be choſen, and not by the perſons appointed by *Charter* to chooſe them, is a plain miſ-uſage of power and priviledge.

Therefore

Therefore my *Lord*, if your *Lordſhip* will by your Prerogative ſtill chooſe one of the *Sheriffs*, and the *Court of Aldermen* will ſtill chooſe the *common Clarke* and *common Sergeant*; Why I beſeech you may you not as well ſhare the *choice* of all the *City-Officers* amongſt your ſelves? but if you will grant us of the *Commonalty*, our rights in the choice of ſome of them, I pray deny us not our rights in all. For doe you not thinke it is much better to uſe and keep that we have, then by neglect, diſuſage, or miſ-uſage to looſe all.

And is there not ſtill ſome about the *King*, which would fain take hold of any occaſion to fill their own Coffers with our *City* coyn, if according to the Country Proverbe, they could any way find a hole in our Coat.

Suffer me I beſeech you, to relate unto you, what I have ſometimes read to this purpoſe.

In the 16. yeare of *Richard the* 2^d^, there was a Commiſſion procured from the *King* to the then two Dukes of *York* and *Glouceſter* with others, grounded, as then pretended upon a Statute of *Edward* the 3^d^, in the 28 yeare of his raign; which Statute in King *Richard* the 2^d^ dayes, was by a by-word called, as ſaith Sir *Henry Colthrop*, ſometimes *Recorder* of *London*, in his Tract of the liberty, uſages and cuſtomes of *London*, pag. 23. *Flagellum Civit. Londini*, the *whip* and *ſcourge* of the *City* of

London, God keep us from the like whip againe, leaſt it fetch life, as well as bloud from us.

It was *to enquire* (I will give it you in the words of the Record) *of all and ſingular errors, defects and miſpritions in our City of London, for want of good Government of the Majors, Sheriffs and Aldermen of the ſame City.* And as there doth not now, ſo it ſeemes there did not then want informers, for the then *Major*, *Aldermen* and *Sheriffs*, were convicted and adjudged to pay for their firſt default a 1000 *Marks*, for the 2d 2000 *Marks*, and for the third, the liberties of the *City* were taken into the hands of the *King*, and did there remain, untill by the mediation and interceſſion of the *Queen*, a pardon was procured, and their Priviledges reſtored.

My author tells me not what this Mediation of the *Queen* coſt this *City*, but we may well think the pardon came not off at a low rate, I'll cloſe this with a good leſſon I long ſince learnt,

Fœlix quem faciunt aliena pericula cautum.

Happy are they whom other mens harms, doe make to beware.

The ſecond Argument is from the obligation of a ſacred *Oath*, by which we all as free-men of this *City*, ſtand bound to maintain all the *Liberties* and *Franchiſes* thereof.

Sacred

Sacred *Oaths* I conceive may admit of a two-fold distinction.

1. *Assertorie.*
2. *Promissorie.*

I am only to speake of the second, and of it but three things; and of those almost in as few words: As

1. The *Antiquity* of it.
2. The *Authority* of it.
3. The *Obligatorines* or binding power of it.

For the *Antiquity* of it, I find it as ancient as *Abraham*, and the *Authority* of it from *God* himselfe, both these in *Gen.*32.16,17. *By my selfe have I sworn, saith the Lord, that in blessing, I will blesse thee*, &c.

The *Obligatorines* or binding power of it, is also from *God* himselfe, *Numb.*30.1,2. *This is the thing which the Lord hath commanded; If a man sweare an Oath to bind his soule with a bond, he shall not breake his word, he shall doe according to all that proceedeth out of his mouth.* And if any man dare doe otherwise, *God* himselfe will likewise *be a swift witnesse against him for it.*

And that we are all bound by *Oath* to maintain the *City* Liberties, this clause in a Freemans *Oath* (viz. *The franchises and customs of this City you shall maintaine*) doth fully prove.

I have now gone through all I propoſed to my ſelfe, and I hope fully proved every particular.

Give me leave, J beſeech you, to cloſe all as St *Paul* did to *Philemon* in the caſe of *Oneſimus*, *Though I might enjoyne thee that which is convenient, yet for loves ſake I rather intreat thee.*

So J, though we might require our rights of your *Lordſhip* and thoſe worthy *Aldermen*, as that which is our *dues*, by the *City Charters*, yet for *love ſake* we rather become ſuters to your *Lordſhip*, and all your *Aſſociates*, thoſe grave *Senatours*, the worthy *Aldermen*; And doe as for *love*, ſo for *peace* ſake alſo, intreat you to joyne with us, by your conſent and aſſiſtance to ſettle them all aright upon their owne *Baſis*, that ſo we may be in ſuch a condition, as upon every emergent occaſion to be able, by the bleſſing of God, to be ſafe within our ſelves, and ſerviceable in our places unto *King* and *Parliament*.

I could in this way of ſupplication to your *Lordſhip* even weep out my own eyes, yea let out my owne bowells, could J but thereby penetrate into the breaſts of your *Lordſhip*, and thoſe worthy *Aldermen*, to draw ſome compaſſion from you in this very nick of time to helpe to ſave a ſinking *City*, if not a dying *Kingdome*. Is it not the enemies maxime, *Divi-*

vide

vide & impera, divide and rule; and hath not *Diviſion* already proved too *deſtructive* to us; and is there any meanes under heaven, ſo hopefull for our help, as Unity and Concord; Hath not that *God*, who is the *God* of *Unity*, made us One? Hath not the *Charters* of our *City* made us One? and doth not the Conſtitutions of this *Court* make us one entire *Councell*? and yet ſhall we who are thus made one by this three-fold bond breake in two, and runne to ruine? O my *Lord*, I want words to expreſſe my ſorrow, we who are the *Commons* ſtand with our ſtretched out Armes, ready to imbrace your *Lordſhip*, and all thoſe worthy *Aldermen* in the neareſt and firmeſt bond of *Unity* and *Love*; looke not upon us I beſeech you with a diſpleaſing countenance, but afford us the like mutuall imbraces; diſdaine us not (though below you) for we are as your fleſh and your bones, *If therefore there be any conſolation in Chriſt, if any comfort of love, if any fellowſhip of the Spirit, if any bowels of mercies*, in you, grant our juſt deſires, and in love and peace ſettle and eſtate us in our rights and dues, and be of the ſame mind with us, having the ſame love to us, for *O how good and pleaſant it is for bretheren to dwell together in Unitie*.

I might further preſſe this by a threefold argument; As

1. *That*

1. *That as you are the head and Governors of this City.*

2. *That as you are bound by severall sacred Oathes.*

3. *That as you tender the welfare and libertie of your posterities,* You ought to doe it. But I'll forbeare, hoping that a word to the wise will be sufficient, and shut up all with the relation of a *City* Historie upon *Record*, which I beseech you seriously to consider of, and make such an application of it to your selves, as in your wisdomes shall seem most meet unto you. In *Anno* 1389. *William Venner Major*, and *John Walcot* and *John Lowy Sheriffes*, with the then *Aldermen*, who all by *name in their order stand blemisht upon Record, That* for the *Errours, defects and misprisions in their Government*, they were fined at 3000. *marks, and the City Liberties seized on by the King.* Can you imagine that every or any water of *aqua fortis*, will wash of or weare away this their obloquie and reproach, *Abundans cautela non nocet*, Very much cautiousnes will no way hurt you.

Consider on the other side, that the wisest of *Kings*, spoke very wisely, when he said, *A good name is rather to be chosen then great riches, and that it is better then a precious ointment.* And will it not be so to you, when for your long lasting fame and glory, it may stand upon

upon Record to after ages, when we are dead and gone, That in *Anno* 1644. when the Right Honourable *Thomas Atkin* was Lord *Major*, the right Worſhipfull *William Gibbs* and *Richard Chambers* were *Shrieves*, and that learned and able Lawyer and Patriot of his Countries liberty *John Glyn* was *Recorder*, and ſuch and ſuch worthy Knights and Gentlemen, reading you all according to your degrees by name, were *Aldermen*: That then by your aſſiſtance and conſent, *London*, I ſay, the *Commonalty of London*, was reſtored to their long loſt *Liberties* and *Priviledges*.

Conſider what I ſay, and the Lord give you underſtanding in all things.

FINIS.